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DNR-FS-2020-06

SMALL BUSINESS COMPLIANCE GUIDE

Amendment to Subtitle 02 Fisheries Service

Regarding the Department's Regulations for Circle Hooks

COMAR 08.02.05.02, COMAR 08.02.15.08, .09, .10, .11, and .12, and COMAR 08.02.25.03

Released July 29, 2020

This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply.

The Department will clarify or update the text of the Guide as an idea moves through the regulatory process. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services Regulatory Division:

410-260-8300

410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay

Fax: 410-260-8310

I. SUMMARY & FAQs

What is being considered?

1) Atlantic Ocean, Its Coastal Bays and Their Tributaries

The department needs to implement a requirement to use circle hooks in the Atlantic Ocean, its coastal bays and their tidal tributaries while recreationally fishing for striped bass using bait.

- a) If you are targeting striped bass and using bait, you must use a non-offset circle hook.
- b) This is a new requirement and would be in effect year round.

2) Chesapeake Bay and Its Tidal Tributaries

The department has already implemented circle hook requirements for the Chesapeake Bay and its tidal tributaries, however the language of that regulation may need to be modified. Currently, the rules have specific conditions and only apply during certain times of the year. If changed, you must use a non-offset circle hook year-round if you are:

- a) Live-lining;
- b) Chumming; or
- c) Using bait while targeting striped bass.

Bait is defined in Section II of this Guide. Since it is a very broad definition it is important to know that the rules would apply when you are using:

- (1) Fish, crabs, or worms as bait; or
- (2) Processed bait.

Why is this change necessary?

Addendum VI to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan requires the mandatory use of non-offset circle hooks when fishing for striped bass with bait. The requirement is for all striped bass recreational fisheries and must be implemented by January 1, 2021. The department must implement this requirement to be in compliance with the Atlantic States Marine Fisheries Commission (ASMFC) Atlantic Striped Bass Fishery Management Plan. The intent of the requirement is to improve post release survival of striped bass and reduce discard mortality. Discard mortality accounts for a considerable amount of removals in the Atlantic striped bass fishery along the east coast. The latest assessment assumes 9% of fish that are released alive die as a result of being caught, although there is some evidence it may be higher, particularly in the summer months.

The use of circle hooks by anglers targeting striped bass with bait, live or chunk, has been identified as a method to reduce the discard mortality of striped bass in recreational fisheries. The configuration of the hook makes it less likely to fatally hook or “deep hook” a fish when using bait compared with the standard “J” hook. When a circle hook begins to exit the mouth of a fish, the shape causes the shaft to rotate towards the point of resistance and the barb is more likely to embed in the jaw or corner of the fish’s mouth and it is less likely to puncture internal organs if the hook is swallowed.

The department will continue its public education and outreach campaign on the benefits of circle hooks when fishing with bait.

Who will this affect?

Recreational anglers and anglers on charter boats who live-line, chum, or target striped bass with bait in the tidal waters of Maryland. It could also affect tackle shops.

Where do the rules apply?

They apply in the:

- 1) Chesapeake Bay and its tidal tributaries; and
- 2) Atlantic Ocean, its coastal bays, and their tributaries.

Has this change been discussed with advisory commissions?

This circle hook requirement has been discussed with stakeholders throughout the state as part of our work with ASMFC on Addendum VI. In addition, it was presented at the Fall 2019 Coastal Fisheries Forum as well as various Sport Fisheries Advisory Commission meetings in 2019 and 2020. Anglers have also heard about the requirement from the public education and outreach campaign on the benefits of circle hooks when fishing with bait. This idea was scoped with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their July 2020 meetings.

What is the specific regulatory action?

- 1) Amend Regulation .02 under COMAR 08.02.05 Fish;
- 2) Amend Regulations .08, .09, .10, .11, and .12 under COMAR 08.02.15 Striped Bass; and
- 3) Amend Regulation .03 under COMAR 08.02.25 Gear.

II. DEFINITIONS

“Bait” is defined in regulation (COMAR 08.02.20.02) as an attractant to catch fish which includes:

- (1) The living or dead, whole body or part of body of an animal; or
- (2) A processed product from an animal or vegetative source.

“Chumming” is defined in regulation (COMAR 08.02.25.01) as placing fish, parts of fish, or other natural or manmade attractants upon which fish might feed, in the water, not attached to a hook, for the purpose of attracting fish to a particular area so that they might be caught. Chumming includes all fish and other attractants upon which fish might feed. Chumming is specific to putting those items into the water without a hook for the purpose of attracting finfish. Chumming includes chunking.

“Circle hook” is defined in regulation (COMAR 08.02.25.01) as a non-offset hook with the point turned perpendicularly back to the shank.

“Fish” is defined in Natural Resources Article, §4-101, Annotated Code of Maryland and means finfish, crustaceans, mollusks, and amphibians and reptiles which spend the majority of their life cycle in water and any part, egg, offspring, or dead body of any of these species.

“Live-lining” is defined in regulation (COMAR 08.02.25.01) as using a live finfish on a hook for the purpose of catching other fish with (a) hook and line; (b) rod and reel; or (c) handlines. Live-lining is specific to using live finfish with active line fishing gear (hook and line, rod and reel, or handlines). Finfish include species like minnows, spot, eels, perch, menhaden, fallfish, and chubs. It does not include species like crabs, shrimp, worms, or processed bait.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

This action does not create new permit, recordkeeping or reporting requirements.

IV. IMPLEMENTATION DATE

The department expects this change to be effective by January 1, 2021, however the exact date cannot be determined. The department will follow our normal scoping and proposal procedures.

This idea is in the scoping process (July 29—August 12). During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the department considers these comments and develops an appropriate management strategy.

If the action is necessary and appropriate, the rules will be promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly’s Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication.
- After review of the comments, the Department may adopt the changes.
- If the department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.

V. INTERNET LINKS & ADDITIONAL RESOURCES

- [Atlantic States Marine Fisheries Commission’s Atlantic Striped Bass Information](#)